

REMARKS

The Office Action states that Claims 1-26 and 34-38 are pending in the present application. However, applicants believe that Claims 1-26 and 34-37 are pending in the present application. The Specification is being amended herewith to correct a typographical error. Claims 1, 4-5, 8-12, 15, 18, 19, 21, 24-25, and 34-36 are being amended herewith; and new Claims 38-39 are being added herewith. Support for these amendments can be found generally throughout the specification. Following entry of the present amendments Claims 1-26 and 35-39 will be pending in this application and subject to further examination.

The Office Action

Claims 19-24, 34 and 35 were objected to as containing various formal errors. Claims 1-25 and 36 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Claims 1-25 and 36 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 26 and 37 were allowed. Applicants respectfully traverse the foregoing rejections.

Claim Objections

Claims 19-24, 34 and 35 were objected to as containing various formal errors. Specifically, the rejection states that Claims 19-23 are drawn to a method for producing a latex article, yet depend ultimately from Claim 1 which is a method of making an elastomeric formulation. Further, Claim 24 is drawn to a composition, yet depends from Claim 1 which is a method of making an elastomeric formulation. Additionally, Claims 34 and 35 depend from Cancelled Claims 27 and 33.

Applicants are amending herewith Claims 19-22, 24 and 34-35. Applicants submit that these amendments resolve the formal errors noted by the Office Action.

Rejections Under 35 U.S.C. § 112, 1st paragraph

Claims 1-25 and 36 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter that was not described in the specification in such a way as to enable the present invention. This rejection is respectfully traversed.

More specifically, the application is allegedly not enabled for “a base polymer having carboxyl groups.” The application is also allegedly not enabled for “a carboxylic acid or derivative thereof.” The present invention is also allegedly not enabled for “a divalent or trivalent metal.” The application is also allegedly not enabled for “an amine or amino acid.” Lastly, the present invention is allegedly not enabled for “a neutralizing agent.”

Applicants respectfully submit that Claims 1, 25 and 36 have been amended to clarify the claims and to ensure that those claims are enabled by the specification.

More specifically, in regards to the language “a base polymer having carboxyl groups,” it is respectfully submitted that the Examiner is correct that many of the beneficial base polymers listed in the Specification do not have a carboxylate group. It is respectfully submitted that one of ordinary skill in the art would recognize that the inclusion of the language “having carboxylate groups” was in error and Applicants have deleted this language from the Specification at page 5 and in Claim 2. Applicants respectfully submit that page 5, line 24 supports this amendment and that no new matter has been added. As shown at page 5, line 24, the language is “suitable base polymers” and not “suitable base polymers having carboxylate groups” and the examples provided further support that the language at page 5, lines 12-13 and Claims 1, 25 and 36 should read “base polymer” as many of the examples cited do not have

carboxylate groups. Accordingly, it is respectfully submitted that this informality has been corrected and respectfully submit that Applicants' claimed invention is enabled for a "base polymer."

In regards to the language "a carboxylic acid or derivative thereof," it is respectfully submitted that the Examiner is misreading the Specification. The Examiner states that "the term 'carboxylic acids' embraces a class of compounds that may include amino acids and other species either not suitable nor compatible for inclusion." However, it is respectfully submitted that, as shown at page 5, lines 20-24, the carboxylic acid or carboxylated polymer has groups that are "present to react with an amine group or amino group" (emphasis added). As such, any carboxylic acid that satisfies this function may be used and representative examples are provided. As such, it is respectfully submitted that the term "a carboxylic acid or derivative thereof" is not used in derogation of its meaning. In regards to the language "(d)erivatives of carboxylic acid include . . . copolymers, blends and mixtures", the Examiner states that "a copolymer is not a derivative." However, Applicants respectfully submit that Applicants have shown that for the present application, a derivative of carboxylic acid is defined to include a copolymer having a carboxylic acid as one of the polymers. As such, it is respectfully submitted that one of ordinary skill in the art would recognize that a copolymer including a carboxylic acid polymer would be a derivative of carboxylic acid as used in the Specification and that the term is properly enabled.

In regards to the language "a divalent or trivalent metal," it is respectfully submitted that Claims 1, 26 and 37 have been amended to recite "a compound comprising a divalent or trivalent metal". As this is supported at page 6, line 32, it is respectfully submitted that no new matter has been added. It is respectfully submitted that this amendment addresses

the Examiner's concerns regarding any alleged confusion as to what is contemplated by the term "a divalent or trivalent metal."

In regards to the language "an amine or amino acid," it is respectfully submitted that this term is properly enabled. Applicants respectfully submit that Applicants have provided a function for the amine or amino acid and have provided classes of compounds and specific examples of amines or amino acids that are capable of performing this function. Additionally, it is respectfully submitted that Applicants are under no duty to specifically point out each and every amine or amino acid that is capable of performing the recited functions. If the Examiner is going to impart such a duty, it is requested that the Examiner provide a basis for this request. According to M.P.E.P. § 2164.02. Applicants have provided a claimed genus and representative examples and respectfully submit that, based upon the function of the claimed genus and representative examples, there would not be any undue experimentation for one of ordinary skill in the art to determine other examples in the genus that satisfy the recited function, and, therefore, fall within the scope of the claimed invention. As the Examiner has not provided any "adequate reasons" for stating that one of ordinary skill in the art would be unable to determine other examples without undue experimentation, it is respectfully submitted that the term "an amine or amino acid" is properly enabled.

In regards to the language "a neutralizing agent," it is respectfully submitted that this term is properly enabled. Applicants respectfully submit that Applicants have provided a function for the neutralizing agent and have provided specific examples of neutralizing agents that are capable of performing this function. As previously discussed, M.P.E.P. § 2164.02 provides that if Applicants have provided a claimed genus and representative examples, a term is enabled absent a showing by the Examiner of "adequate reasons" for stating that one of ordinary

skill in the art would be unable to determine other examples without undue experimentation. As the Examiner has provided no such reasons, it is respectfully submitted that the term “a neutralizing agent” is properly enabled.

Accordingly, since the informalities discussed have been corrected or are not informalities, it is respectfully submitted that Claims 1-26 and 35-37 are enabled by the Specification. Accordingly, Applicants respectfully request withdrawal of this rejection.

Rejections Under 35 U.S.C. § 112, 2nd paragraph

Claims 1-25 and 36 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for the proper metes and bounds of the terms mentioned above. This rejection is respectfully traversed. As previously discussed, Applicants respectfully submit that Claims 1, 26 and 37 have been amended accordingly such that the proper metes and bounds of the terms mentioned above are enabled. As such, since the informalities discussed have been corrected or are not informalities, it is respectfully submitted that Claim 1-26 and 35-37 are not indefinite. Accordingly, Applicants respectfully request withdrawal of this rejection.

Allowed Claims

Claims 26 and 37 were allowed.

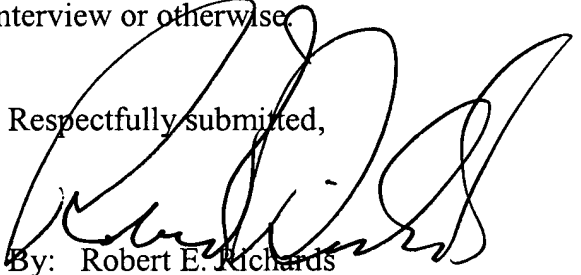
New Claims

Applicants are adding herewith new Claims 38 and 39. These claims depend from allowed Claim 37. Therefore, Claims 38 and 39 should be allowable for the same reasons and allowed Claim 38.

Conclusion

Applicants respectfully request reconsideration of the present application in view of the foregoing remarks. Such action is courteously solicited. Applicants further request that the Examiner call the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview or otherwise.

Respectfully submitted,


By: Robert E. Richards
Reg. No. 29,105

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia 30309
Tel: (404) 815-6500
Fax: (404) 815-6555
Our Docket No. 02410-0111 (42353-294311)